

## **Information Packet for Emergency Response**

### **Public Hearing**

Date: February 27, 2002  
Time: 9:00 AM  
Location: Department of Labor and Industries Building Auditorium  
7273 Linderson Way, Tumwater, Washington

The Department of Labor and Industries will hold a public hearing to receive information and comments about proposed changes to the rules in chapter 296-824 (Emergency Response), Part U-4 (Emergency Response), 296-307 (Safety Standards for Agriculture), and Part R, 296-62 (General Occupational Health Standards) WAC. RCW 49.17.040 and 49.17.050 grants the department authority to propose and adopt these rules.

**If you require special communication or accommodation arrangements**, please contact us at (360) 902-5484 no later than February 22, 2002. Requests received after February 22, 2002, may not allow adequate time to make the arrangements.

### **Send written comments using one of the following:**

By mail to:

Tracy Spencer, Program Manager  
WISHA Services Division  
PO Box 44620  
Olympia, WA 98504-4620

By Fax: (360) 902-5529 (Comments submitted by fax must be 10 pages or less).

By electronic mail to:

Jim Hughes, Project Manager at: [hugw235@lni.wa.gov](mailto:hugw235@lni.wa.gov)

### **Comments must be received no later than 5:00 PM, March 6, 2002.**

The department will respond in writing to everyone submitting oral and written comments before the deadline, and after the department has adopted changes to the rules.

Current provisions pertaining to Emergency Response, contained in Part R, chapter 296-62 WAC are being revised as a result of a "not at least as effective as" determination by OSHA. The rule has simultaneously been rewritten and reorganized to enhance clarity and make it easier to use. The revised rule is being withdrawn from chapter 296-62 WAC concurrent with the introduction of 296-824 WAC (Emergency Response). Those portions of the Emergency Response requirements applicable to agriculture employers are being introduced as Part U-4 of chapter 296-307 WAC. This supports the one book requirement for agriculture safety and health rules. References to Emergency Response, contained in chapters 296-67, 296-67, and 296-305 WAC, are being updated as necessary.

## **Information Packet for Emergency Response**

### **Sections to be Repealed:**

Part R - Emergency Response to Hazardous Substance Release, chapter 296-62 WAC, General Occupational Health Standard.

296-62-410 Emergency response to hazardous substance release

- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

296-62-41001 Scope and application

- Information moved to WAC 296-824-100
- This section is being repealed.

296-62-41003 Definitions

- Information moved to WAC 296-824-100 and 296-824-15010
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

296-62-41010 Emergency response

- Information moved to WAC 296-824-11010, 296-824-14010, and 296-824-15010
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

296-62-41011 Emergency response plan

- Information moved to WAC 296-824-100, 296-824-296-824-11010, 296-824-12010, 296-824-12020, 296-824-13020, and 296-824-13030.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

296-62-41013 Elements of an emergency response plan

- Information moved to WAC 296-824-11010 and 296-824-12010.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

296-62-41015 Procedures for handling emergency response

- Information moved to WAC 296-824-11020, 296-824-12020, 296-824-12040, 296-824-12050, 296-824-12060, 296-824-13010, and 296-824-13030.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

296-62-41017 Skilled support personnel

- Information moved to WAC 296-824-11020 and 296-824-12030
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

## **Information Packet for Emergency Response**

### 296-62-41019 Specialist employees

- Information moved to WAC 296-824-11020.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41020 Training

- Information moved to WAC 296-824-11020.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41021 Training before participation

- Information moved to WAC 296-824-11010 and 11020, 296-824-11020.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41023 Trainers

- Information moved to WAC 296-824-11020.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41025 Refresher training

- Information moved to WAC 296-824-11020.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41030 Employee personal protective equipment

- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41031 Personal protective equipment selection

- Information moved to WAC 296-824-13010.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41033 Totally encapsulating chemical protective suits

- Information moved to WAC 296-824-13010.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41035 Personal protective equipment (PPE) program

- Information moved to WAC 296-824-11010, 296-824-13020, and 296-824-13030.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

## **Information Packet for Emergency Response**

### 296-62-41040 Medical surveillance and consultation for emergency response

- Information moved to WAC 296-824-11050.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41041 Employees covered

- Information moved to WAC 296-824-11050.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41042 Frequency of medical examination and consultations

- Information moved to WAC 296-824-11050.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41043 Content of medical examinations and consultations

- Information moved to WAC 296-824-11050.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41044 Examination by a physician and costs

- Information moved to WAC 296-824-11050.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41045 Information provided to the physician

- Information moved to WAC 296-824-11050.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41046 Physician's written opinion

- Information moved to WAC 296-824-11050.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41047 Recordkeeping of medical surveillance activities

- Information moved to WAC 296-824-11060.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41060 Post emergency response operations

- Information moved to WAC 296-824-14010.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

## **Information Packet for Emergency Response**

### 296-62-41061 Removal of hazardous substances

- Information moved to WAC 296-824-14010.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41063 Employee training and protective equipment

- Information moved to WAC 296-824-14010.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41080 Appendices to Part R – Emergency response

- Information moved to WAC 296-824 and Part U-4, chapter 296-307 as helpful tools or guidelines.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41081 Appendix A – Personal protective equipment test methods

- Information moved to WAC 296-824 and Part U-4, chapter 296-307 as helpful tools or guidelines.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41082 Appendix B – General description and discussion of the levels of protection and protective gear

- Information moved to WAC 296-824 and Part U-4, chapter 296-307 as helpful tools or guidelines.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41084 Appendix C – Compliance guidelines

- Information moved to WAC 296-824 and Part U-4, chapter 296-307 as helpful tools or guidelines.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41085 Appendix D -- References

- Information moved to WAC 296-824 and Part U-4, chapter 296-307 as helpful tools or guidelines.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

### 296-62-41086 Appendix E – Training curriculum guidelines

- Information moved to WAC 296-824 and Part U-4, chapter 296-307 as helpful tools or guidelines.
- This section is being repealed concurrent with the publication of chapter 296-824 WAC.

## **Information Packet for Emergency Response**

### **New Sections:**

#### **Chapter 296-824 WAC (Emergency Response)**

##### 296-824-100 Introduction

- Moved requirements relating to rule applicability, content and appropriate definitions.

##### 296-824-11010 Planning

- Moved requirements relating to the development of a plan and the plans availability to employees and others.

##### 296-824-11020 Training

- Moved requirements relating to training.

##### 296-824-11050 Medical Surveillance

- Moved requirements relating to employee medical surveillance.
- Revised language to make criteria “at least as effective as” the OSHA requirements.

##### 296-824-11060 Keep records

- Moved requirements relating to recordkeeping requirements.

##### 296-824-12010 Incident requirements

- Moved requirements relating to the recognition of emergencies.

##### 296-824-12020 Implement and maintain an incident command system (ICS)

- Moved requirements relating to the implementation and maintenance of an incident command system.

##### 296-824-12030 Prepare skilled support personnel

- Moved requirements relating to the preparation of skilled support personnel.

##### 296-824-12040 Make sure the incident commander oversees activities during the response

- Moved requirements relating to the oversight of the incident commander.

##### 296-824-12050 Use the buddy system in danger areas

- Moved requirements relating to the use of the buddy system.

##### 296-824-12060 Provide rescue and medical assistance

- Moved requirements relating to the level of support and training required for people on stand-by.

##### 296-824-13010 Personal protective equipment

- Moved requirements relating to appropriate use of personal protective equipment.

##### 296-824-13020 Control hazards created by personal protective equipment (PPE)

- Moved requirements relating to the control of hazards created by use of personal protective equipment.

## **Information Packet for Emergency Response**

296-824-13030 Use personal protective equipment (PPE) properly

- Moved requirements relating to the inspection and use of personal protective equipment.

296-824-14010 Postemergency response

- Moved requirements relating to required postemergency actions.

296-824-15010 Definitions

- Definitions appropriate to this section.

### **New Sections:**

#### **Part U-4 Chapter 296-307 WAC, Emergency Response**

296-307-452 Introduction

- Moved requirements relating to rule applicability, content and appropriate definitions.

296-307-45210 Planning

- Moved requirements relating to the development of a plan and the plans availability to employees and others.

296-307-45220 Training

- Moved requirements relating to training.

296-307-45230 Medical Surveillance

- Moved requirements relating to employee medical surveillance.
- Revised language to make criteria “at least as effective as” the OSHA requirements.

296-307-45240 Keep records

- Moved requirements relating to recordkeeping requirements.

296-307-45400 Incident requirements

- Moved requirements relating to the recognition of emergencies.

296-307-45410 Implement and maintain an incident command system (ICS)

- Moved requirements relating to the implementation and maintenance of an incident command system.

296-307-45420 Prepare skilled support personnel

- Moved requirement relating to the preparation of skilled support personnel.

296-307-45430 Make sure the incident commander oversees activities during the response

- Moved requirements relating to the oversight of the incident commander.

296-307-45440 Use the buddy system in danger areas

- Moved requirements relating to the use of the buddy system.

## **Information Packet for Emergency Response**

### 296-307-45450 Provide rescue and medical assistance

- Moved requirements relating to the level of support and training required for people on stand-by.

### 296-307-45600 Personal protective equipment

- Moved requirements relating to appropriate use of personal protective equipment.

### 296-307-45610 Control hazards created by personal protective equipment (PPE)

- Moved requirements relating to the control of hazards created by use of personal protective equipment.

### 296-307-45620 Use personal protective equipment (PPE) properly

- Moved requirements relating to the inspection and use of personal protective equipment.

### 296-307-45800 Postemergency response

- Moved requirement relating to required postemergency response.

### 296-307-46000 Definitions

- Definitions appropriate to this section.

Details of specific proposed amendments will be published in Washington State Register 02-02 on January 16, 2002. Requirements have been changed to make the rule “at least as effective as” OSHA requirements. A SBEIS is not required per RCW 34.05.328(5)(b)(iii) because they adopt, without material change, federal regulations. Per RCW 34.05.310(4)(d), “rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect” are not subject to the SBEIS requirements.

A tentative adoption date for these rules is April 17, 2002 and the tentative effective date is June 1, 2002.

Copies of the proposed rule are available upon request by calling toll free at 1-800-423-7233; or by written request to the Department of Labor and Industries, WISHA Services Division, Standards Section, Post Office Box 44620, Olympia, Washington 98504-4620. Copies of the proposed rules will also be available at the public hearing.

Correspondence relating to this notice and rules should be addressed to Tracy Spencer, Standards Manager, WISHA Services Division, Department of Labor and Industries, Post Office Box 44620, Olympia, Washington 98504-4620.